REMARKS

By this Amendment, claim 1 has been amended. In view of these actions and the following remarks, reconsideration of this application is requested.

First, applicants wish to thank the Examiner for the indication that claims 2-8 would be allowable if rewritten in independent form. However, as amended claim 1 is allowable over the applied reference, as set forth in detail below, no amendments to claims 2-8 are deemed necessary at this time.

In response to the Examiner's requirement for a new declaration because the declaration filed references the PCT number and not the U.S. application, this requirement is totally improper and inconsistent with Office practice. When a PCT application enters the U.S. National Phase, there is no U.S. application number and it is standard practice to reference the PCT application number when filing a declaration at that time and such is sufficient to meet the requirement of 37 CFR § 1.63(b)(1) and 37 CFR § 497(b)(1) to "[i]dentify the application to which it is directed." Neither the rules nor related MPEP § 1893.01(e) require use of the U.S. application number on a declaration as a means to meet the requirements of 37 CFR § 1.63(b)(1) and 37 CFR § 497(b)(1), and it is suggested that the Examiner contact the PCT division of the USPTO to confirm the foregoing. Furthermore, since the inventor has left the employment of the assignee and his whereabouts are unknown, this improper requirement places an unnecessary burden upon the assignee. Therefore, withdrawal of the requirement for a new declaration is in order and is requested.

As for the Examiner's comment concerning claiming of priority, his attention is directed to the second page of the Application Data Sheet filed on entering of the U.S. National Phase in April, 2005, where a claim of priority can be found. Thus, no further action is required in this respect.

In response to the rejections of claims 1-8 based on United States Patent No. 5,012,815 to Bennett, Jr. et al., applicants submit that amended claim 1 and the claims that depend therefrom are allowable, since Bennett, Jr. et al. fails to disclose, teach or suggest the claimed invention. For example, claim 1 now recites that applicants' method, as follows:

> A method for arbitrary time and/or frequency scaling **by analysis, classification and subsequent re-synthesis** of phonocardiographic signals obtained from a transducer and subjected to digital spectral analysis, characterised in that the signals are converted on a running basis to a sinusoidal model representation, that a time and/or frequency axis scaling is defined and used to control the amplitudes and phases of the sinusoids, which are subsequently added to create a time and/or frequency scaled representation of the phonocardiographic signal. (Emphasis added)

Thus, the claimed invention presents the novel and unobvious feature of arbitrary time and/or frequency scaling by analysis, classification and subsequent re-synthesis of phonocardiographic signals, advantageously, allowing for modifying of a signal to be either (i) shorter while having sound of the same overall pitch, (ii) changing the pitch while the duration is the same or (iii) both functions (i) and (ii) simultaneously. Accordingly, the invention of claim 1 is directed to synthesis of a signal based on a phonocardiaographic signal obtained from a transducer, and such is not disclosed, taught or suggested by Bennett, Jr. et al., as set forth in detail below.

By contrast, Bennett, Jr. et al. is directed to obtaining a graphical output of heart sounds on a video monitor, including "projections of spectral surfaces" (see, e.g., col. 1, lines 27-29), with an audio aspect at col. 1, line 30, merely directed to "listening" of the displayed heart sounds by a physician. Apart from the fact that the invention of claim 1 can be applicable for a different purpose in the same general field of medical acoustics as Bennett, Jr. et al. and that some terms of signal processing may be the same, as both are about signal processing, there is no possibility of one of ordinary skill in the art using the disclosure of Bennett, Jr. et al. to arrive at the invention of claim 1.

Therefore, Applicants submit that amended claim 1 and the claims dependent therefrom, are allowable over Bennett, Jr. et al.

The prior art that has been cited, but not applied by the Examiner, has been taken into consideration during formulation of this response. However, since this art was not considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon is believed to be warranted at this time.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Lastly, accompanying this response is a request for extension of time petition and authorization to charge same to the deposit account of the undersigned's firm. However, should this extension of time petition become separated from this Amendment, then it is requested that this Amendment be construed as containing such a petition and the fee therefore should be charged to Deposit Account No. 50-2478(742114-14).

Respectfully submitted,

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